

**CIVIL SERVICE COMMISSION MINUTES**

**JANUARY 18, 2006**

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 of the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

A.Y. Casillas  
Barry I. Newman  
Francesca Krauel  
W. Dale Bailey  
Cheryl Fisher

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamary, Executive Officer  
William Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved**  
**Civil Service Commission**  
**February 15, 2006**

**COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
JANUARY 18, 2006**

CLOSED SESSION: No Items for Discussion.

2:30 p.m.      OPEN SESSION: Room 358, 1600 Pacific Highway, San Diego, California

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<u><b>Discussion Items</b></u> <b>2,4,5,6</b>	<u><b>Continued</b></u>	<u><b>Referred</b></u>	<u><b>Withdrawn</b></u> <b>9</b>
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COMMENTS: Motion by Bailey to approve all items not held for discussion; seconded by Casillas. Carried.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

NOTE: Five total minutes will be allocated for input on Agenda items unless additional time is requested at the outset and approved by the Commission President.

**ELECTIONS**

1. Election of President and Vice-President of the Civil Service Commission for 2006.

**Motion by Bailey to elect Barry I. Newman as President and Francesca Krauel as Vice-President; seconded by Casillas. Carried.**

**MINUTES**

2. Approval of the Minutes of the special meeting of December 20, 2005.

Commissioner Krauel requested that the Minutes be amended to reflect her comments regarding Agenda Item No. 4.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

3. Commissioner Casillas: Michael O'Connor, SEIU Local 2028, on behalf of **Monica Rushing**, Detentions Information Assistant, appealing an Order of Pay Step Reduction and Charges from the Sheriff's Department.

**Confirmed.**

## **DISCIPLINES**

### **Appeals**

4. Richard Pinckard, Esq. on behalf of **2006-01**, appealing an action by the Sheriff's Department. (See No. 5 below.)

RECOMMENDATION: Deny Request.

Mr. Pinckard addressed the Commission regarding Items No. 4 and 5, requesting either a Rule VII hearing, or in the alternative, a Rule XI investigation. He contends that the transfer was the vehicle used to reduce employee's compensation by 5% and that the ultimate motivation for transfer was punitive, and therefore falls under Commission jurisdiction.

Mr. Faigin, legal advisor representing the Department, stated it is the Department's position that it has the authority to reassign an employee and that this reassignment was not punitive.

The issue of loss of premium pay was addressed by Commissioner Newman. After listening to both sides he stated that, in his opinion, premium pay is attached to the job itself, and an employee does not have a vested right to such premium.

**Motion by Krauel to accept staff recommendations on both Items No. 4 and 5; seconded by Newman. Carried.**

## **INVESTIGATIONS**

### **Requests**

5. Richard Pinckard, Esq. on behalf of **2006-01**, requesting a Rule XI investigation regarding the conduct and operations of the Sheriff's Department. (See No. 4 above.)

RECOMMENDATION: Deny Request

**Motion by Krauel to accept staff recommendations on both Item Nos. 4 and 5; seconded by Newman. Carried.**

6. **Stacie Neldaughter**, Deputy Public Administrator-Guardian II, requesting a Rule XI investigation regarding the conduct and operations of the Health and Human Services (HHSA) -- Public Administrator/Public Guardian (PA/PG).

RECOMMENDATION: Deny Request.

Ms. Neldaughter referred to a February 2003 Commission Findings and was informing the Commission that she indeed has been retaliated against. Commissioner Newman requested that Ms. Neldaughter limit discussion to this particular appeal, to which she replied that this matter is an accumulation of incidents that have occurred since 2003. Ms. Neldaughter also raised the issue that the "disciplinary transfer" document had been sealed and was replaced by an administrative reassignment and Letter of Reprimand.

There was further discussion regarding the original "disciplinary transfer" document. Barbara Lee, representing the Agency, explained that the document is still in existence and has been sealed. She stated that it is not held in employee's personnel file or in DHR. Dennis Floyd, Sr. Deputy County Counsel, explained to the Commission that, at his advice, the original document has been sealed in the event there may be some need for it in the future.

Commissioners voiced concerns regarding the status of the "disciplinary transfer" document.

**Motion by Casillas to approve staff recommendation;  
seconded by Bailey. Carried.**

#### **OTHER MATTERS**

##### **Extension of Temporary Appointments**

##### **7. Sheriff's Department**

1 Laboratory Assistant (Erin Kilpatrick)

RECOMMENDATION: Ratify.

**Item No. 7 ratified.**

#### **INFORMATION**

8. Richard Pinckard, Esq., on behalf of **2005-12**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Bailey)

**Withdrawn.**

9. Julie Buechler, Esq., on behalf of **2005-13**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Bailey)

**Withdrawn.**

10. Julie Buechler, Esq., on behalf of **2005-14**, withdrawal of appeal of an Order from the Sheriff's Department. (Commissioner Bailey)

**Withdrawn.**

11. Public Input.

ADJOURNED: 4:00 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:**

**FEBRUARY 15, 2006**